

Exhibit 64

Francesco Gallo

3/13/2008

Page 260

1 Gallo 260
 2 A. Yes.
 3 Q. Let's look at paragraph 3 of this sworn
 4 EEOC charge. "In the latter part of --"
 5 A. Which page?
 6 Q. I'm sorry, we're on page A 92, it's the
 7 third page of the document.
 8 A. Right.
 9 Q. "In the latter part of August 2005 Mr.
 10 Ferrara asked me to help him purchase and install a
 11 computer in his apartment located in Glendale, New
 12 York."
 13 Is it correct that Mr. Ferrara lives in
 14 Glendale, New York?
 15 A. Yes.
 16 Q. Do you know whether he asked Mr. Oksuz to
 17 assist him around August of 2005 to purchase and
 18 install a computer?
 19 A. Yes, because then I saw doing it.
 20 Q. Okay. "I agreed and met Mr. Ferrara in
 21 Queens. Before going to Best Buy to purchase a
 22 computer, Mr. Ferrara told me he wanted to pick
 23 Francesco Gallo," I guess pick up Francesco Gallo.
 24 "Mr. Ferrara had not previously told me that he
 25 planned to pick up Mr. Gallo. We picked up

Page 261

1 Gallo 261
 2 Mr. Gallo in Manhattan and then drove to Best Buy in
 3 Queens."
 4 Do you know if that's true?
 5 A. Sure.
 6 Q. You were picked up by them?
 7 A. Yes.
 8 Q. In Manhattan?
 9 A. Because temporarily I was staying with
 10 Gino.
 11 Q. You were staying with Gino in Glendale?
 12 A. Glendale.
 13 Q. I see.
 14 A. Gino and his brother, downstairs.
 15 Q. Gino is downstairs and his brother is
 16 upstairs?
 17 A. Yes.
 18 Q. It's a two-family building?
 19 A. Yes.
 20 Q. And was this on a weekend, do you know?
 21 If you don't recall, that's okay.
 22 A. Yeah. But I recall one thing. Probably
 23 was a Saturday because there was a feast down the
 24 street somewhere in Glendale.
 25 Q. Uh-huh, we'll get to that. It's in here.

Page 262

1 Gallo 262
 2 A. Okay.
 3 Q. Why were you saying with Gino Ferrara at
 4 this time?
 5 A. Because I was looking for a temporary
 6 apartment. I had intention to stay away from my
 7 house because a chaos was created in my house thanks
 8 to Alitalia, Mr. Libutti and Mr. Galli.
 9 Q. Mr. Gallo and Mr. Libutti were creating
 10 chaos in your house?
 11 A. Oh, sure, yeah, destroyed my family.
 12 Q. Were they there? Were they in your house?
 13 A. No, because I never permitted physically,
 14 otherwise they would have -- okay, anyway.
 15 Q. So your wife didn't want you living with
 16 her; is that why you were staying with Mr. Ferrara
 17 at the time?
 18 A. I was looking for an apartment, a
 19 temporary residence, but then I found, because I had
 20 to be out by order of the police department in New
 21 York.
 22 Q. Did your wife get an order of protection
 23 against you?
 24 A. Yes, uh-huh.
 25 Q. In August of 2005?

Page 263

1 Gallo 263
 2 A. In August, yes.
 3 Q. I see. Was that the first order of
 4 protection or the only order of protection she ever
 5 got against you?
 6 A. Yes.
 7 Q. Is that order of protection still in
 8 effect?
 9 A. No, absolutely not.
 10 Q. But it was in effect in August 2005?
 11 A. Yes.
 12 Q. What did she accuse you of, if you know?
 13 A. Accuse me that, well, you know, came to a
 14 point that I did something that I'm ashamed of
 15 myself, because I never did it. We were, it was an
 16 issue that was going on on a daily basis,
 17 complaining about, you know, working hours and
 18 Alitalia's feeding and saying things. Anyhow, I was
 19 nervous and I pushed her or --
 20 Q. Did you hit her?
 21 A. Well, I would not characterize as hitting.
 22 Probably pushed her and I hit the top of my hand.
 23 Q. In the face with your hand?
 24 A. Yeah.
 25 Q. And she reported that to the police?

20 (Pages 260 to 263)

Francesco Gallo

3/13/2008

Page 264	Page 266	Page 266
<p>1 Gallo 264</p> <p>2 A. Yes.</p> <p>3 Q. And that resulted ultimately in an order</p> <p>4 of protection?</p> <p>5 A. There was a result, they incarcerated me.</p> <p>6 Q. You were in jail?</p> <p>7 A. Yes.</p> <p>8 Q. Overnight?</p> <p>9 A. No. The judge freed me the same evening.</p> <p>10 Q. You didn't go home, obviously, that</p> <p>11 evening?</p> <p>12 A. I could not go home.</p> <p>13 Q. Where did you sleep?</p> <p>14 A. That night, I believe that I went with my</p> <p>15 brothers in Westchester, my brothers or my sister, I</p> <p>16 don't remember.</p> <p>17 Q. Your sister in Westchester and</p> <p>18 brother-in-law?</p> <p>19 A. I have my sister and brother-in-law and I</p> <p>20 have a brother.</p> <p>21 Q. In Westchester also?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 A. And I had another brother.</p> <p>25 Q. When did this incident occur that you were</p>	<p>1 Gallo 266</p> <p>2 A. Yes, stay --</p> <p>3 Q. Were you permitted to speak to them?</p> <p>4 A. No, just see.</p> <p>5 Q. Okay. And when did you start living with</p> <p>6 Gino or staying with Gino?</p> <p>7 A. I stayed with Gino about two weeks, two</p> <p>8 weeks, three weeks, something like that.</p> <p>9 Q. Two weeks in August?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Paragraph 5 says that "After</p> <p>12 arriving at Mr. Ferrara's apartment, Mr. Gallo and</p> <p>13 Mr. Ferrara offered me a drink and later made sexual</p> <p>14 overtures to me."</p> <p>15 Is it true that you offered Oksuz a drink?</p> <p>16 A. No.</p> <p>17 Q. You did not give Oksuz a drink?</p> <p>18 A. In someone else's house? No. But I</p> <p>19 believe that no one offered him a drink because we</p> <p>20 were at a friend's house, we were not --</p> <p>21 Q. So you did not go to Mr. Ferrara's</p> <p>22 apartment?</p> <p>23 A. Later.</p> <p>24 Q. Later?</p> <p>25 A. Yes.</p>	<p>1 Gallo 266</p> <p>2 A. Yes, stay --</p> <p>3 Q. Were you permitted to speak to them?</p> <p>4 A. No, just see.</p> <p>5 Q. Okay. And when did you start living with</p> <p>6 Gino or staying with Gino?</p> <p>7 A. I stayed with Gino about two weeks, two</p> <p>8 weeks, three weeks, something like that.</p> <p>9 Q. Two weeks in August?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Paragraph 5 says that "After</p> <p>12 arriving at Mr. Ferrara's apartment, Mr. Gallo and</p> <p>13 Mr. Ferrara offered me a drink and later made sexual</p> <p>14 overtures to me."</p> <p>15 Is it true that you offered Oksuz a drink?</p> <p>16 A. No.</p> <p>17 Q. You did not give Oksuz a drink?</p> <p>18 A. In someone else's house? No. But I</p> <p>19 believe that no one offered him a drink because we</p> <p>20 were at a friend's house, we were not --</p> <p>21 Q. So you did not go to Mr. Ferrara's</p> <p>22 apartment?</p> <p>23 A. Later.</p> <p>24 Q. Later?</p> <p>25 A. Yes.</p>
<p>1 Gallo 265</p> <p>2 arrested?</p> <p>3 A. May 2005, June, I don't remember.</p> <p>4 Q. May or June of 2005?</p> <p>5 A. Yeah.</p> <p>6 Q. Where did you stay from May or June of</p> <p>7 2005 until you started staying with Gino Ferrara?</p> <p>8 A. Suite residence at First Avenue and 61st</p> <p>9 Street.</p> <p>10 Q. That's very close to where your wife</p> <p>11 lived.</p> <p>12 A. Yes, but I had to go, not to pass 59th, so</p> <p>13 if I want to go to east side, I had to go Lexington</p> <p>14 Avenue, then go down. If I wanted to go uptown, I</p> <p>15 could go First Avenue. Then because I could not</p> <p>16 going through the Hospital for Special Surgery or</p> <p>17 New York Hospital, if I wanted to go, I had to go,</p> <p>18 let's say Madison Avenue. I had a map.</p> <p>19 Q. I see. Why did you stay on the east side</p> <p>20 instead of, say, taking a place nearer to Alitalia</p> <p>21 for this temporary period?</p> <p>22 A. I wanted to see my children going to</p> <p>23 school in the morning.</p> <p>24 Q. Were you permitted to do that by the</p> <p>25 order?</p>	<p>1 Gallo 267</p> <p>2 Q. Okay. At the time that you went to Mr.</p> <p>3 Ferrara's apartment, did you have alcoholic</p> <p>4 beverages?</p> <p>5 A. Absolutely not.</p> <p>6 Q. Not you, not Mr. Ferrara, not Mr. Oksuz?</p> <p>7 A. No.</p> <p>8 Q. Is it true that you made sexual overtures</p> <p>9 to Mr. Oksuz when you got to Mr. Ferrara's</p> <p>10 apartment?</p> <p>11 A. No.</p> <p>12 Q. Did Mr. Ferrara make sexual overtures to</p> <p>13 Mr. Oksuz when you got to Mr. Ferrara's apartment?</p> <p>14 A. I don't think so.</p> <p>15 Q. How many bedrooms does Mr. Ferrara have?</p> <p>16 A. Four.</p> <p>17 Q. Four bedrooms in his apartment?</p> <p>18 A. Yes.</p> <p>19 Q. So you and Mr. Ferrara were not sleeping</p> <p>20 in the same bedroom?</p> <p>21 A. No. I was in one room, Alex was in the</p> <p>22 living room with a couch, and Gino was in his</p> <p>23 bedroom.</p> <p>24 Q. So Alex is the nickname for Dursun Oksuz?</p> <p>25 A. Alex is his name, yeah, he took. As far</p>	<p>1 Gallo 267</p> <p>2 Q. Okay. At the time that you went to Mr.</p> <p>3 Ferrara's apartment, did you have alcoholic</p> <p>4 beverages?</p> <p>5 A. Absolutely not.</p> <p>6 Q. Not you, not Mr. Ferrara, not Mr. Oksuz?</p> <p>7 A. No.</p> <p>8 Q. Is it true that you made sexual overtures</p> <p>9 to Mr. Oksuz when you got to Mr. Ferrara's</p> <p>10 apartment?</p> <p>11 A. No.</p> <p>12 Q. Did Mr. Ferrara make sexual overtures to</p> <p>13 Mr. Oksuz when you got to Mr. Ferrara's apartment?</p> <p>14 A. I don't think so.</p> <p>15 Q. How many bedrooms does Mr. Ferrara have?</p> <p>16 A. Four.</p> <p>17 Q. Four bedrooms in his apartment?</p> <p>18 A. Yes.</p> <p>19 Q. So you and Mr. Ferrara were not sleeping</p> <p>20 in the same bedroom?</p> <p>21 A. No. I was in one room, Alex was in the</p> <p>22 living room with a couch, and Gino was in his</p> <p>23 bedroom.</p> <p>24 Q. So Alex is the nickname for Dursun Oksuz?</p> <p>25 A. Alex is his name, yeah, he took. As far</p>

21 (Pages 264 to 267)